

SUMMARY OF DOCKET ENTRIES REGARDING CLASSIFIED MATERIAL

Government Submission	Court Review	Hearing	Order
CR 93 - Mar. 20, 2008 Government Invokes CIPA and requests a Pre-trial Conference pursuant to CIPA.	None called for.	CR 102 - Apr. 29, 2008 Pre-trial Conference re: CIPA was held. All Parties present.	None called for.
CR 127 - Sept. 5, 2008 First Gov't CIPA filing. CR 158 - Mar. 19, 2009 Addendum to First CIPA filing	<p>CR 149 - At a scheduling hearing on Jan. 6, 2009, the Court indicated that it would be reviewing the CIPA submission in Washington D.C. in March of 2009, beginning approximately March 16 th. Tr. 1/6/09 at 2, 6.</p> <p>The Court also indicated that attorneys for the government may be required to be present during its review. Tr. 1/6/09 at 6, 14.</p> <p>CR 575 - At a status conference on Feb. 26, 2009, the Court confirmed that it would be conducting a review in Washington D.C. on March 17, 18, and 19th. Tr. 2/26/09 at 3.</p> <p>• Was there a review of the First Gov't CIPA filing, when did it take place, and who was present?</p> <p>There needs to be a docket entry reflecting the review and presence of any government personnel.</p>	<p>CR 149 - At a scheduling hearing on Jan. 6, 2009, the Court indicated that it would bring a court reporter with it to Washington D.C. Tr. 1/6/09 at 5-6. The Court also indicated that attorneys for the government may be required to be present during its review. Tr. 1/6/09 at 14.</p> <p>CR 575 - At a status conference it was noted that different people were responsible for the three government filings. AUSA Gorder noted that he could be present in Washington D.C. on Thursday. Tr. 2/26/09 at 4-5.</p> <p>• Was there a hearing, when was the hearing, and who was present?</p> <p>There needs to be a docket entry reflecting any hearing and who was present.</p>	CR 160 - Mar. 20, 2009 Court signed Protective Order relating to First CIPA filing. Provides for unclassified summary to be given to the defense.

Government Submission	Court Review	Hearing	Order
<p>CR 128 - Sept. 5, 2008 Second Gov't CIPA filing.</p>	<p>CR 149 - At a scheduling hearing on Jan. 6, 2009, the Court indicated that it would be reviewing the CIPA submission in Washington D.C. in March of 2009, beginning approximately March 16th. Tr. 1/6/09 at 2, 6.</p> <p>The Court also indicated that attorneys for the government may be required to be present during its review. Tr. 1/6/09 at 6, 14.</p> <p>CR 575 - At a status conference on February 26, 2009, the Court confirmed that it would be conducting a review in Washington D.C. on March 17, 18, and 19th. Tr. 2/26/09 at 3.</p> <p>• Was there a review of the Second Gov't CIPA filing, when did it take place, and who was present?</p> <p>There needs to be a docket entry reflecting the review and presence of any government personnel.</p>	<p>CR 149 - At a scheduling hearing on Jan. 6, 2009, the Court indicated that it would bring a court reporter with it to Washington D.C. Tr. 1/6/09 at 5-6.</p> <p>The Court also indicated that attorneys for the government may be required to be present during its review. Tr. 1/6/09 at 14.</p> <p>CR 575 - At a status conference it was noted that different people were responsible for the three government filings. AUSA Gorder noted that he could be present in Washington D.C. on Thursday. Tr. 2/26/09 at 4-5.</p> <p>• Was there a hearing, when was the hearing, and who was present?</p> <p>There needs to be a docket entry reflecting any hearing and who was present.</p>	<p>CR 161 - Mar. 20, 2009 Court signed Protective Order relating to Second CIPA filing. No disclosure ordered.</p>

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<p>CR 129 - Sept. 5, 2008 Third Gov't CIPA filing</p>	<p>CR 149 - At a scheduling hearing on Jan. 6, 2009, the Court indicated that it would be reviewing the CIPA submission in Washington D.C. in March of 2009, beginning approximately March 16th. Tr. 1/6/09 at 2, 6.</p> <p>The Court also indicated that attorneys for the government may be required to be present during its review. Tr. 1/6/09 at 6, 14.</p> <p>CR 575 - At a status conference on February 26, 2009, the Court confirmed that it would be conducting a review in D.C. on March 17, 18, and 19th. Tr. 2/26/09 at 3.</p> <p>• Was there a review of the Third Gov't CIPA filing, when did it take place, and who was present?</p> <p>There needs to be a docket entry reflecting the review and presence of any government personnel.</p>	<p>CR 149 - At a scheduling hearing on Jan. 6, 2009, the Court indicated that it would bring a court reporter with it to Washington D.C. Tr. 1/6/09 at 5-6.</p> <p>The Court also indicated that attorneys for the government may be required to be present during its review. Tr. 1/6/09 at 14.</p> <p>CR 575 - At a status conference it was noted that different people were responsible for the three government filings. AUSA Gorder noted that he could be present in D.C. on Thursday. Tr. 2/26/09 at 4-5.</p> <p>• Was there a hearing, when was the hearing, and who was present?</p> <p>There needs to be a docket entry reflecting any hearing and who was present.</p>	<p>The defense does not find any order referring to the Third CIPA filing.</p>
<p>It is unclear if the CR 159 Court Order is related to the Government's Third CIPA filing (CR 129).</p>	<p>There needs to be a docket entry reflecting the review and presence of any government personnel.</p>	<p>There needs to be a docket entry reflecting any hearing and who was present.</p>	<p>CR 159 - Mar. 20, 2009 Court Order Denying Defendant's First Motion and Supplement to First Motion for Discovery, insofar as they relate to the Terrorist</p>

Government Submission	Court Review	Hearing	Order
			Surveillance Program of the NSA.
<p>Government In Camera Submission - Sept. 3, 2009 (See CR 216).</p> <p>According to AUSA Gorder, this submission was not classified and relates to issues raised during the suppression hearing regarding the government's search of the computers seized as a result of the search warrant. In addition, it addressed one other discovery issue.</p>	<p>CR 216 - Sept. 10, 2009 Court reviews the government's in camera submission dated Sept. 3, 2009.</p>	<p>According to AUSA Gorder, there was no hearing regarding the Sept. 3, 2009 submission.</p>	<p>CR 216 - Sept. 10, 2009 Court confirmed that none of the items referred to in the sealed letter of Sept. 3, 2009 need be provided to the defense.</p>
<p>CR 219 - Sept. 10, 2009 Fourth Gov't CIPA filing.</p>	<p>• Was there a review?</p> <p>There needs to be a docket entry reflecting the review and presence of any government personnel.</p>	<p>• Was there a hearing?</p> <p>•Who is present?</p> <p>There needs to be a docket entry reflecting any hearing and who was present.</p>	<p>CR 280 - Mar. 3, 2010 Court signed Protective Order relating to Fourth CIPA filing. No disclosure is ordered.</p>
<p>CR 236 - Nov. 13, 2009 Fifth Gov't CIPA filing</p>	<p>The docket does not reflect any review of the material submitted through the Fifth CIPA filing.</p>	<p>CR 217 - Aug. 11, 2009 An In Camera, ex parte under seal CIPA hearing held before the Court with the United States.</p> <p>CR 218 - Sept. 10, 2009 An In Camera, ex parte under seal CIPA hearing held before the Court with the United States.</p>	<p>CR 278 - Feb. 26, 2010 Court signed Protective Order relating to Fifth CIPA filing allowing for a classified summary to be provided to the defense.</p> <p>CR 297 - Mar. 19, 2010 Court entered a protective order providing for the review of classified summary by the</p>

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		<p>CR 229 - Oct. 14, 2009 An In Camera, ex parte under seal CIPA hearing held before the Court with the United States.</p> <p>According to AUSA Gorder, the three hearings (CR 217, 218, 229) listed above were all related to the later filed Fifth Gov't CIPA filing (CR 236).</p> <p>The docket should reflect that these hearings related to CR 236 and should reflect who was present at each of the hearings that took place regarding Fifth CIPA filing.</p>	defense.
	<p>CR 364 - May 4, 2010 Court mentions it is going to Washington D.C. to do some review on May 19, 2010. Tr. 5/4/10 at 7-8.</p> <p>The docket does not reflect whether any such review occurred and if so, who was present.</p>		

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		<p>CR 364 - May 4, 2010 Government (AUSA Gorder) mentions that he would like to meet with the Court re: the Defense filings filed from Washington D.C. at the end of Apr. 2010. Tr. 5/4/10 at 7-8.</p> <p>The docket does not reflect whether any such hearing was held.</p>	
<p>CR 391 - Jun. 14, 2010 Sixth Gov't CIPA filing entitled "Ex Parte Government's Supplemental Response to Defendant's Third Supplement to First Motion for Discovery Filed Pursuant to CIPA §§ 3 and 4 and Rule 16(d)(1) and Government's Motion to Delete Items from Discovery."</p> <p>It is inferred that this is related to:</p> <p>CR 392 - June 14, 2010 Notice of Filing of the Government's In Camera Response to Defendant's Third Supplement to First Motion for Discovery Pursuant to the Classified Information Procedures Act.</p>	<p>The docket does not reflect the review of the Sixth CIPA filing.</p>	<p>The docket does not reflect whether a hearing took place, and who was present, regarding the Sixth CIPA filing.</p>	<p>CR 424 - Aug. 23, 2010 Court signed Protective Order re: "Ex Parte Government's Supplemental Response to Defendant's Third Supplement to First Motion for Discovery Filed Pursuant to CIPA §§ 3 and 4 and Rule 16(d)(1) and Government's Motion to Delete Items from Discovery."</p> <p>CR 409 - The Court denied Defendant's Third Supplement to First Motion for Discovery.</p>

Defense Submission	Court Review	Hearing	Order
<p>On or about Jan. 31, 2008, Defense Counsel places a defense document in a Sensitive Compartmentalized Information Facility (SCIF) through the Court Security Officer. See, e.g. Tr. Mar. 18, 2008 at 7 (CR 92).</p> <p>CR 105, 106 - Jun. 16, 2008 Defense Motion for Protective Order and Modify Court's May 16, 2008 Order.</p> <p>CR 135, 136 - Oct. 10, 2008 Defense renews motion for modification of court order of May 16, 2008.</p> <p>CR 162 - Apr. 14, 2009 Defense requests ruling regarding ability to communicate about document provided by defense. Tr. 4/14/09 at 4, 23.</p> <p>CR 164 - Apr. 17, 2009 Defense requests ruling on CR 105,106, 136. (Fn 1).</p> <p>CR 222 - Sept, 15, 2009 Defense requests guidance from the Court regarding the May 16, 2008 Order.</p>	<p>CR 143 - Nov. 12, 2008 Court indicates it is going to look at materials. Tr. 11/12/08 at 5.</p> <p>CR 570 - Aug. 10, 2011 at 14. The Court acknowledges that the Court has reviewed the document.</p> <p>There needs to be a docket entry that reflects each time a review took place, and who was present during the review.</p>	<p>There needs to be a docket entry that reflects if there was a hearing, when the hearing was, and who was present.</p>	<p>CR 103 - May 16, 2008 Court ordered defense counsel and defense team to have no discussion regarding contents of document defense placed in SCIF.</p> <p>CR 109 - Jul 1, 2008 Order denying defendant's motion for protective order.</p> <p>CR 113 - Jul. 15, 2008 Court Orders no reference to any memory of the contents or speculation as to the contents. Court bars disclosure. Tr. 7/15/08 at 4.</p> <p>CR 143 - Nov. 12, 2008 Court notes material is barred from discussion, and that it is going to look at it first. Tr. 11/12/08 at 5.</p> <p>CR 191 - Jul 1, 2009 Court denied defense motions for modification of Court order of May 16, 2008.</p> <p>CR 222 - Sept. 15, 2009 Court indicates that it will put ruling in writing. Tr. 9/15/09 at 18</p> <p>CR 276 - Feb. 26, 2010 at 2 Order denying protective order that would allow for the defense team to discuss</p>

Defense Submission	Court Review	Hearing	Order
			defense document placed in SCIF. CR 570 - Aug. 10, 2011 Court denied reconsideration.
CR 194 & 195 - July 9, 2009 Defense Motion for a Protective Order and Defense First CIPA notice (no submission of materials).	The record does not reflect any review of any material.	The record does not reflect any hearing.	CR 276 - Feb. 26, 2010 Order denying protective order that would allow for the defense team to discuss defense document placed in SCIF. CR 407 - Aug. 11, 2010 at 12. Court granted gov't motion without prejudice to not allow classified evidence to be presented to the jury.
CR 200 - July 27, 2009 Defense Second CIPA notice (no submission of materials).	The record does not reflect any review of any material.	The record does not reflect any hearing.	CR 276 - Court noted that defense does not have access to any of the potentially classified information. CR 407 - Aug. 11, 2010 at 12. Court granted gov't motion without prejudice to not allow classified evidence to be presented to the jury.
CR 351 (567) - April 28, 2010 Defense Third CIPA notice.	The record does not reflect any review of any material.	The record does not reflect any hearing.	CR 407 - Aug. 11, 2010 at 12. Court granted gov't motion without prejudice to not allow classified evidence to be presented to the jury.

Date of Classified/Closed Hearing	Who Is Present	Are Materials Reviews
CR 312 - April 1, 2010 Classified hearing held.	The docket does not reflect who is present.	The docket does not reflect if any materials were reviewed.
CR 373 - May 10, 2010 Classified hearing held.	The docket does not reflect who is present.	The docket does not reflect if any materials were reviewed.
*Aug. 31, 2010 (4:14 p.m.) Closed hearing held. This hearing is not reflected on the docket.	Gorder, Cardani, Wax, Matasar, Scooter Slade, David Baker, Christy Weller	
*Sept. 2, 2010 (5:53 p.m.) Closed hearing held. This hearing is not reflected on the docket.	Gorder, Cardani, Matasar, Wax, William Teesdale, David Carroll, Colleen Anderson, Scooter Slade, David Baker, Christy Weller	
*Sept. 2, 2010 (6:05 p.m.) Closed hearing held. This hearing is not reflected on the docket.	Gorder, Cardani, David Carroll, Colleen Anderson, Scooter Slade, David Baker, Christy Weller	
*Sept. 2, 2010 (6:12 p.m.) Closed hearing held. This hearing is not reflected on the docket.	Gorder, Cardani, David Carroll, Colleen Anderson, Scooter Slade, David Baker, Christy Weller	
*Sept. 3, 2010 (11:20 a.m.) Closed hearing held. This hearing is not reflected on the docket.	Gorder, Cardani, Wax, Matasar, Scooter Slade, Christy Weller, David Baker	
*Sept. 7, 2010 (2:50 p.m.) Closed hearing held. This hearing is not reflected on the docket.	Cardani, Gorder, David Carroll, Scooter Slade, David Baker	

Date of Classified/Closed Hearing	Who Is Present	Are Materials Reviews
*Sept. 7, 2010 (2:28 p.m.) Closed hearing held. This hearing is not reflected on the docket.	Gorder, Cardani, David Carroll, Wax, William Teesdale, Christy Weller, Scooter Slade, David Baker	

* This information provided to all parties by the Court Security Officer.